AO 91 (Rev. 5/85) - Criminal Complaint

FILED

United States District Court

JUL 2 1 2008

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W WIEKING

| | CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT COURT |
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| | NORTHERN DISTRICT OF CALIFORNIA |
| UNITED STATES OF AMERICA | Venue: San Francisco |
| V. | CRIMINAL COMPLAINT |
| LAURO ANTONIO VELASQUEZ SANCHEZ a/k/a MARGARITO SOLIS SANCHEZ | CASE NUMBER: |
| a/k/a SAMUEL SANCHEZ CARVAJAL a/k/a SAMUEL CARBAJAL SANCHEZ a/k/a SAMMY C. SANCHEZ a/k/a SAMUEL CARDAJAL SANCHEZ | 3 08 70455 |
| I, the undersigned complainant being duly sworn, state the following state the followi | onoma County, in the |
| LAURO ANTONIO VELASQUEZ SANCHEZ (a/k/a MAR SANCHEZ CARVAJAL, SAMUEAL CARBAJAL SANCHEZ CARDAJAL SANCHEZ), an alien, after having been remove was thereafter found in the United States without having obtor the Secretary of the Department of Homeland Security to violation of Title8 United States Code, Section(s) | HEZ, SAMMY C. SANCHEZ and SAMUEL ved, excluded, and deported from the United States, tained the express consent of the Attorney General reapply for admission into the United States, in |
| I further state that I am a <u>Deportation Officer</u> and that Official Title | this complaint is based on the following facts: |
| SEE ATTACHED AFFIDAVIT IN SUI | PPORT OF THIS COMPLAINT |
| PENALTIES: Imprisonment for not more than 20 years, a special assessment, and 3 years supervised release. APPROVED AS TO FORM: ASSISTANT UNITED STATES AN | |
| Continued on the attached sheet and made a part hereof: | |
| Warrant of Arrest Requested: □Yes ☒ No Bail Amount: NO BAIL | Signature of Complainant |
| Sworn to before me and subscribed in my presence, | 3 Signature of Complantant |
| 7-21-08 at San Fra | ancisco, California |
| Date | City and State |
| Honorable Maria-Elena James | MN |
| United States Magistrate Judge Name & Title of Judicial Officer Sig | grature of Judicial Officer |
| Signature of Judicial Officer | 5natage of Judicial Officer |

| STATE AND NORTHERN DISTRICT OF CALIFORNIA |) |
|---|-----------------|
| |) ss, AFFIDAVIT |
| CITY AND COUNTY OF SAN FRANCISCO |) |

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I, Polly E. Kaiser, Deportation Officer, U.S. Immigration and Customs Enforcement (ICE), being duly sworn, depose and state:

I. INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. This affidavit is submitted in support of a criminal complaint against LAURO ANTONIO VELASQUEZ-SANCHEZ, a/k/a SAMUEL CARDAJAL SANCHEZ, SAMUEL SANCHEZ CARVAJAL, SAMUEL CARBAJAL SANCHEZ and SAMMY C. SANCHEZ, for violating 8 U.S.C. § 1326. The facts set forth in this Affidavit are based on my review of VELASQUEZ-SANCHEZ'S official Immigration file (No. A28 751 675), my personal observations, my training and experience, and where noted, information related to me by other law enforcement officials. However, the facts set forth in this Affidavit are not all of the facts related to VELASQUEZ-SANCHEZ that I know.

II. AGENT'S BACKGROUND AND EXPERTISE

2. I have been a Deportation officer with the U. S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), formerly the United States Department of Justice (DOJ), Immigration and Naturalization Service (INS), for over 5 years. I am currently assigned to ICE's San Francisco, California office, and I am responsible for enforcing federal criminal statutes involving criminal aliens who reenter the United States illegally.

III. APPLICABLE LAW

3. Title 8 U.S.C. § 1326 provides criminal penalties for "any alien who . . . has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter enters, attempts to enter, or is at any time found in, the United States, unless (A) prior to his reembarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien's reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this chapter or any prior Act "

IV. FACTS ESTABLISHING PROBABLE CAUSE

4. LAURO ANTONIO VELASQUEZ-SANCHEZ, a/k/a SAMUEL CARDAJAL SANCHEZ, SAMUEL SANCHEZ CARVAJAL, SAMUEL CARBAJAL SANCHEZ and SAMMY C. SANCHEZ is a 47 year-old male who is a native and citizen of Mexico.

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VELASQUEZ-SANCHEZ was deported from the United States to Mexico on December 19, 1991, July 27, 1993, May 5, 1994, June 18, 1994, September 14, 1994, October 7, 1994, June 11, 2004, March 17, 2008, and March 24, 2008.

- 5. VELASQUEZ-SANCHEZ last entered the United States illegally on or about April 11, 2008 by voluntarily crossing into Arizona through the international border with Mexico by foot. VELASQUEZ-SANCHEZ knowingly remained in the United States without first having obtained the consent to reapply for admission from the Attorney General of the United States or the United States Secretary of Homeland Security.
- 6. The official Immigration file for VELASQUEZ-SANCHEZ contains eight executed Warrants of Removal and one Verification of Departure. The Warrants of Removal are dated March 17, 2008, June 11, 2004, October 7, 1994, September 14, 1994, June 18, 1994, May 5, 1994, July 27, 1993 and December 19, 1991. The Verification of Removal is dated March 24, 2008. A second immigration file (A72 712 106) was previously located under the name MARGARITO SOLIS SANCHEZ and has been consolidated into the primary file of (A28 751 675) after a comparison of fingerprints confirmed it was the same individual.
- 7. On or about July 9, 2008, an Immigration and Customs Enforcement (ICE) agent found VELASQUEZ-SANCHEZ pursuant to his incarceration at Sonoma County Jail in Santa Rosa, California on unrelated charges.
- 8. On July 15, 2008, ICE Agent Michael Shan interviewed VELASQUEZ-SANCHEZ at the ICE San Francisco District Office located in San Francisco, California. After VELASQUEZ-SANCHEZ was advised of his Miranda rights and the right to speak with the consular or diplomatic officers of his country of citizenship, he admitted that his true name was LAURO ANTONIO VELASQUEZ-SANCHEZ. VELASQUEZ-SANCHEZ admitted that he was a citizen and national of Mexico and that he had been previously deported from the United States. He also admitted that he illegally reentered the United States on April 11, 2008.
- 9. On July 15, 2008, at the ICE San Francisco District Office, VELASQUEZ-SANCHEZ'S fingerprints and photos were submitted into the Auto Biometric Identification System (IDENT). IDENT information confirmed VELASQUEZ-SANCHEZ'S identity under Fingerprint Identification Number (FINS) 525193.
- 10. On July 18, 2008, a full set of rolled fingerprints belonging to VELASQUEZ-SANCHEZ was submitted to the Automated Fingerprint Identification Center ("AFIS"), for further verification of identity. Along with the full set of prints belonging to VELASQUEZ-SANCHEZ, the single print appearing on each of the eight available Warrants of Removal and one Verification of Removal for LAURO ANTONIO VELASQUEZ-SANCHEZ a/k/a SAMUEL CARDAJAL SANCHEZ, SAMUEL SANCHEZ CARVAJAL, SAMUEL CARBAJAL SANCHEZ and SAMMY C. SANCHEZ were all submitted for comparison. On July 18, 2008 the fingerprint examiner positively identified the fingerprints as belonging to the same

VELASQUEZ-SANCHEZ who had previously been removed from the United States on December 19, 1991, July 27, 1993, May 5, 1994, June 18, 1994, September 14, 1994, October 7, 1994, June 11, 2004, March 17, 2008, and March 24, 2008.

11. There is no indication in ICE's official files that VELASQUEZ-SANCHEZ has applied for or been granted the requisite permission to reenter the United States from either the Attorney General of the United States or the Secretary of Homeland Security.

V. CONCLUSION

12. On the basis of the above information, I submit that probable cause exists to believe that LAURO ANTONIO VELASQUEZ-SANCHEZ a/k/a SAMUEL CARDAJAL SANCHEZ, SAMUEL SANCHEZ CARVAJAL, SAMUEL CARBAJAL SANCHEZ and SAMMY C. SANCHEZ illegally reentered the United States following deportation, in violation of 8 U.S.C. § 1326.

Deportation Officer

U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security

San Francisco, California

Subscribed and sworn to before me this

day of July, 2008.

The Honorable Maria-Elena James United States Magistrate Judge

Northern District of California

San Francisco, California